

IC 22-3

ARTICLE 3. WORKER'S COMPENSATION SYSTEM

IC 22-3-1

Chapter 1. Worker's Compensation Board

IC 22-3-1-1

Creation; term of office; other positions; removal from office; compensation; executive administrator; expenses

Sec. 1. (a) There is hereby created the worker's compensation board of Indiana, which shall consist of seven (7) members, not more than four (4) of whom shall belong to the same political party, appointed by the governor, one (1) of whom the governor shall designate as chairman. All members of the board shall be attorneys in good standing admitted to the practice of law in Indiana.

(b) Each member of said board shall hold office for four (4) years and until the member's successor is appointed and qualified.

(c) No member of the board shall hold any other position of trust or profit or engage in any occupation or business interfering with or inconsistent with the discharge of the member's duties.

(d) Any member of said board may be removed by the governor at any time for incompetency, neglect of duty, misconduct in office, or other good cause to be stated in writing in the order of removal. In case of a vacancy in the membership of the said board, the governor shall appoint for the unexpired term.

(e) The budget agency, with the approval of the governor, shall approve the salaries of the members of the board and the secretary.

(f) The board may appoint an executive administrator and may remove the executive administrator. The executive administrator shall have authority to administer oaths and issue subpoenas in connection with the administration of IC 22-3-2 through IC 22-3-7.

(g) The board, subject to the approval of the governor, may employ and fix the compensations of such clerical and other assistants as it may deem necessary.

(h) The members of the board and its assistants shall be entitled to receive from the state their actual and necessary expenses while traveling on the business of the board, but such expenses shall be approved by the chairman of the board before payment is made.

(i) All salaries and expenses of the board shall be audited and paid out of the state treasury in the manner prescribed for similar expenses in other departments or branches of the state service.

(Formerly: Acts 1937, c.34, s.4 1/2; Acts 1943, c.138, s.1; Acts 1945, c.354, s.1; Acts 1961, c.219, s.1; Acts 1967, c.299, s.1; Acts 1974, P.L.108, SEC.1.) As amended by P.L.144-1986, SEC.21; P.L.28-1988, SEC.18; P.L.134-2006, SEC.1; P.L.168-2011, SEC.1.

IC 22-3-1-2

Jurisdiction

Sec. 2. The worker's compensation board shall administer the worker's compensation law (IC 22-3-2 through IC 22-3-6).

(Formerly: Acts 1937, c.34, s.5.) As amended by P.L.37-1985, SEC.29; P.L.28-1988, SEC.19.

IC 22-3-1-3

Rules; powers and duties

Sec. 3. (a) The worker's compensation board may adopt rules under IC 4-22-2 to carry into effect the worker's compensation law (IC 22-3-2 through IC 22-3-6) and the worker's occupational diseases law (IC 22-3-7).

(b) The worker's compensation board is authorized:

- (1) to hear, determine, and review all claims for compensation under IC 22-3-2 through IC 22-3-7;
- (2) to require medical service for injured employees;
- (3) to approve claims for medical service or attorney's fees and the charges for nurses and hospitals;
- (4) to approve agreements;
- (5) to modify or change awards;
- (6) to make conclusions of facts and rulings of law;
- (7) to certify questions of law to the court of appeals;
- (8) to approve deductions in compensation made by employers for amounts paid in excess of the amount required by law;
- (9) to approve agreements between an employer and an employee or the employee's dependents for the cash payment of compensation in a lump sum, or, in the case of a person under eighteen (18) years of age, to order cash payments;
- (10) to establish and maintain a list of independent medical examiners and to order physical examinations;
- (11) to subpoena witnesses;
- (12) to administer oaths;
- (13) to apply to the circuit or superior court to enforce the attendance and testimony of witnesses and the production and examination of books, papers, and records;
- (14) to create and undertake a program designed to educate and provide assistance to employees and employers regarding the rights and remedies provided by IC 22-3-2 through IC 22-3-7, and to provide for informal resolution of disputes;
- (15) to assess and collect, on the board's own initiative or on the motion of a party, the penalties provided for in IC 22-3-2 through IC 22-3-7; and
- (16) to exercise all other powers and duties conferred upon the board by law.

(Formerly: Acts 1937, c.34, s.8; Acts 1943, c.138, s.2; Acts 1973, P.L.80, SEC.5.) As amended by P.L.37-1985, SEC.30; P.L.28-1988, SEC.20; P.L.170-1991, SEC.1.

IC 22-3-1-4

Schedule of attorney's fees

Sec. 4. (a) As used in this section, "attorney's fees" means the fees requested for compensation for service provided by an attorney to a claimant under the worker's compensation law and the worker's

occupational diseases law as provided under section 3(b)(3) of this chapter.

(b) As used in this section, "board" refers to the worker's compensation board of Indiana established by section 1 of this chapter.

(c) As used in this section, "claim" refers to a claim for compensation under IC 22-3-2 through IC 22-3-7 filed with the board.

(d) The following schedule of attorney's fees applies to an attorney who represents a claimant before the board when the claim for compensation results in a recovery:

- (1) A minimum of two hundred dollars (\$200).
- (2) Twenty percent (20%) of the first fifty thousand dollars (\$50,000) of recovery.
- (3) Fifteen percent (15%) of the recovery in excess of fifty thousand dollars (\$50,000).
- (4) Ten percent (10%) of the value of:
 - (A) unpaid medical expenses;
 - (B) out-of-pocket medical expenses; or
 - (C) future medical expenses.

(e) The board maintains continuing jurisdiction over all attorney's fees in cases before the board and may order a different attorney's fee or allowance in a particular case.

As added by P.L.134-2006, SEC.2.

IC 22-3-1-5

Information sharing concerning construction workers misclassified as independent contractors

Sec. 5. (a) This section applies after December 31, 2009.

(b) As used in this section, "contractor" means:

- (1) a sole proprietor;
- (2) a partnership;
- (3) a firm;
- (4) a corporation;
- (5) a limited liability company;
- (6) an association; or
- (7) another legal entity;

that engages in construction and is authorized by law to do business in Indiana. The term includes a general contractor, a subcontractor, and a lower tiered contractor. The term does not include the state, the federal government, or a political subdivision.

(c) The worker's compensation board of Indiana shall cooperate with the:

- (1) department of state revenue established by IC 6-8.1-2-1;
- (2) department of labor created by IC 22-1-1-1; and
- (3) department of workforce development established by IC 22-4.1-2-1;

by sharing information concerning any suspected improper classification by a contractor of an individual as an independent contractor (as defined in IC 22-3-6-1(b)(7) or IC 22-3-7-9(b)(5)).

(d) For purposes of IC 5-14-3-4, information shared under this section is confidential, may not be published, and is not open to public inspection.

(e) An officer or employee of the worker's compensation board of Indiana who knowingly or intentionally discloses information that is confidential under this section commits a Class A misdemeanor.

As added by P.L.164-2009, SEC.3.